

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF SOUTH CAROLINA

Carol Leroy Roberts, Jr.,	)	Case No.: 4:24-4437-JD-TER
	)	
Plaintiff,	)	
	)	
vs.	)	
	)	<b>OPINION AND ORDER</b>
Ashley Elizabeth Roberts,	)	
	)	
Defendant.	)	
	)	

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This matter is before the Court with the Report and Recommendation (“Report”) of United States Magistrate Judge Thomas E. Rogers, III (DE 4), made in accordance with 28 U.S.C. § 636(b) and Local Civil Rule 73.02(B)(2) of the District of South Carolina regarding several motions by the parties.<sup>1</sup>

**A. Background**

Plaintiff Carl Leroy Roberts, Jr. (“Plaintiff” or “Roberts”), proceeding *pro se*, purports he is initiating this filing as a defendant.<sup>2</sup> (DE 1). Plaintiff captioned this action as follows, “In the Court of Family Court Horry County ” with a 2020 docket number from family court. (*Id.* at 1.) Plaintiff entitles the filing “Notice of Appeal.” (*Id.*) Public records show Plaintiff has a final judgment of divorce from his spouse as

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<sup>1</sup> The recommendation has no presumptive weight, and the responsibility for making a final determination remains with the United States District Court. *See Mathews v. Weber*, 423 U.S. 261, 270-71 (1976). The court is charged with making a de novo determination of those portions of the Report and Recommendation to which specific objection is made. The court may accept, reject, or modify, in whole or in part, the recommendation made by the magistrate judge or recommit the matter with instructions. 28 U.S.C. § 636(b)(1).

<sup>2</sup> Plaintiff’s caption was changed as Roberts is the filer in this Court, not Ashley Elizabeth Roberts (“Defendant”).

of at least November 2021, if not earlier. Plaintiff alleges the state court judge recently found him in violation of prior court orders in regard to his owed child support. (*Id.*) Plaintiff appears also to be contesting how service was performed in the state court.

To the extent that Plaintiff is seeking to appeal decisions entered in previous family court proceedings in South Carolina, he cannot appeal such decisions to this federal district court. Appeals of orders issued by lower state courts must go to a higher state court.

### **B. Report and Recommendation**

On August 21, 2024, the Magistrate Judge issued the Report recommending that this Court dismiss Plaintiff's case without prejudice and without issuance and service of process. (DE 4). Plaintiff did not object to the Report.

### **C. Legal Standard**

In the absence of objections to the Report and Recommendation, this Court is not required to give any explanation for adopting the recommendation. *See Camby v. Davis*, 718 F.2d 198, 199 (4th Cir. 1983). The Court must “only satisfy itself that there is no clear error on the face of the record in order to accept the recommendation.” *Diamond v. Colonial Life & Acc. Ins. Co.*, 416 F.3d 310, 315 (4th Cir. 2005).

### **D. Conclusion**


Since Roberts has not objected, after a thorough review of the Report and Recommendation and the record in this case, the Court finds no clear error on the

face of the record. Thus, the Court adopts the Report (DE 4) and incorporates it here by reference.

It is, therefore, ORDERED that Plaintiff's case is dismissed without prejudice and without issuance and service of process.

**IT IS SO ORDERED.**

November 6, 2024  
Florence, South Carolina



Joseph Dawson, III  
United States District Judge

**NOTICE OF RIGHT TO APPEAL**

The parties are hereby notified of the right to appeal this Order within the time period set forth under Rules 3 and 4 of the Federal Rules of Appellate Procedure.